IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2724 OF 2004
with
NOTICE OF MOTION NO. 353 OF 2005

K.V. Natarajan ..Petitioner

Versus

Union of India and Ors. ... Respondents.

Mr. Mahesh Londhe, instructed by M/s. Sanjay Udeshi & Co., for the petitioner.

Mr. D.A. Dube with Mr. Suresh Kumar for respondent No.1.

Mr. A.S. Patil for respondent No.2.

Mr. Rajiv Kumar, instructed by Milan Bhise & Co., for respondent No.3.

CORAM: **DALVEER BHANDARI, C.J.** &
DR. D.Y. CHANDRACHUD, J.
DATE: **OCTOBER 18, 2005**.

P.C.

The petitioner, who was working as Chief Engineer with the respondents, has filed this petition with the prayer that his legitimate pension and legal dues be paid by the respondents.

2. The grievance of the petitioner is that from the date of his retirement, he has not been paid his legitimate pension and other legal dues payable to him. During the pendency of this petition, the petitioner

has been paid two cheques amounting to Rs. 18,03,593/- and Rs.2,50,658/-. The petitioner has also been paid Rs.10,06,626/- towards the interest for non-payment of pension from 29th July, 1996 to 31st December, 2002. It may be pertinent to mention that the petitioner had earlier filed a Writ Petition being Writ Petition No. 2095 of 1999. In that petition, the Court directed that the petitioner shall be entitled to all the pensionary dues within a period of two months from the date of the order. The Court further directed that the petitioner shall be entitled to the payment of interest calculated at the rate of 12 per cent from the date on which the pensionary dues became due and payable. The amount of interest so calculated shall also be paid along with the pensionary dues payable to the petitioner.

3. Despite the order of the Court dated 5th September, 2000, the petitioner was not paid the amount and he filed Review Petition No. 40 of 2000. The Court directed the respondents to immediately comply with the order and pay the amount. Even then, no amount has been paid and ultimately the petitioner was compelled to file this writ petitioner. On 4th May, 2005, the Court observed as under:-

"This is a sad reflection in the manner in which employees

after serving public Corporations are treated. In the instant case for no fault of the petitioner he has not been paid pension for the last 8 years 5 months. Before issuing further directions in the cause of justice and to elevate the suffering the petitioner must be undergoing it is necessary to pass an interim order.

2. There was some dispute on account of which the respondent No.3 made a demand on Respondent Nos.1 (a) to 1 © for a sum of Rs.2,76,741/-. Pursuant to the demand the amount has been forwarded by the said Respondents in favour of Respondent No.3. On behalf of the respondent No.3 learned Counsel submitted that they must get break-up. We are not concerned with the same as this will purely be an internal dispute between the Respondents inter se. In the light of that the following order:-

The pension of the petitioner must be finalised by 15th June, 2005. The pension amount would thereafter be payable on 30th June, 2005 or whichever date fixed for payment of pension. All other amounts in terms of the statement filed by the petitioner before this Court and which is taken on record be deposited. If there be any dispute about the amounts, the amounts which are not disputed to be deposited. Such deposit be made on or before 4th July, 2005. Place the matter on Board on 11th July, 2005 for further directions. It is made clear that fixation of pension of pension and payment of pension and other amounts to be

deposited are by Respondent No.3."

4. The learned counsel for the petitioner submits that after July, 2005, the petitioner has not been paid his monthly pension. It is indeed unfortunate that the Union of India and other public authorities have been continuously harassing the petitioner and are not performing their duties and obligations. We direct the respondents to pay the monthly pension for the months of August and September, 2005 within one week from today with 12 per cent interest. We make it clear that in future if there is any delay in the payment of the monthly pension, the petitioner shall be entitled to claim 12 per cent interest on that amount. In view of the fact that even the interest amount has been paid, no further directions are necessary in this petition and the petition is accordingly disposed of.

5. On consideration of the totality of the facts and circumstances, particularly the way the petitioner has been treated by Union of India and other respondents, and he had to adopt multiple proceedings, we deem it appropriate to direct respondent Nos. 1 and 3 equally to pay the cost of Rs.20,000/- to the petitioner within one week. If any outstanding interest amount is paid to the petitioner by our order dated 14th July,

2005, the Jawaharlal Nehru Port Trust would be at liberty to recover the amount paid to the petitioner in accordance with law.

6. In view of the disposal of the petition, nothing survives in the Notice of Motion. The Notice of Motion is also accordingly disposed of.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.